

A Brief History
of the
Lewis F. Powell, Jr. United States Courthouse
1858 - 2012



Office of the Circuit Executive
United States Court of Appeals for the Fourth Circuit

Richmond, Virginia

Richard K. Perkins, AIA

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Circuit Executive
United States Court of Appeals for the Fourth Circuit
1100 East Main Street
Room 617
Richmond, Virginia 23219
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Introduction

This document is a work of research in progress. It will continue to evolve over the years as its subject building continues to serve the people of this country.

As the reader makes his way through this document, he will notice references to the United States "Custom" House, as opposed to the "Customs" House. This was the official name of the building and the department when the Courthouse was constructed.

Many legends, traditions and customs have come to be associated with the old United States Custom House and Post Office. For example, many persons believe this federal courthouse is where Aaron Burr was tried for his treason against the young United States. One morning I spent a patient hour on the telephone listening to a gentleman explain his evidence that Burr's treason trial was conducted in this Richmond Federal Courthouse; this despite my explanation Burr was tried in 1832, twenty-six years before this courthouse was erected. Another day I received a call from a representative of an historical society located on the other side of the Mason-Dixon Line. The caller wished to inquire whether or not we still had the rooms in the basement of the Custom House where the Confederate government had conducted their "secret executions." However, chief among myths regarding this courthouse is the legend that remnants of the Confederate Treasury's stock of gold bullion remain buried somewhere beneath the building. Trust me when I tell you that it is not: when it evacuated Richmond in April 1865 the Confederate government was essentially broke.ⁱ

The Lewis F. Powell, Jr. United States Courthouse, as the old United States Custom House and Post Office is known today, is a living, breathing, working building of the federal government. It is home to hundreds of employees and visitors. As the second oldest continuously operating courthouse in the federal inventory, it is a building rich in history and tradition. The courthouse is a place where the laws of our society evolve and where historic landmark decisions affecting our society have been handed down.

Readers will notice credits and source references for this work rely heavily upon construction drawings and documents. This was not meant as a slight or affront to anyone, nor was it meant to offend what many believe to be historical fact about the Courthouse. We have in our files drawings and construction documents annotated by hand and cross verified against existing construction which have given us the clearest and most credible time-line for the history of the building.

Richard K. Perkins, AIA
Architect/Planner
Office of the Circuit Executive
United States Court of Appeals for the Fourth Circuit

Richmond, Virginia
May 2005

Background

By 1858 Richmond, Virginia was the fifth largest city in the United States, behind New York, Boston, Philadelphia and Washington, D.C. The city was strategically located in the country's geography, being 108 miles south of our nation's capitol, 93 miles from the Hampton Roads ports, and 134 miles down river from Big Island, Virginia. This last is important because Big Island was the western shipping terminus for grain from the Shenandoah Valley, and in 1858 Virginia's Shenandoah Valley was the nation's breadbasket. Richmond in turn was the lower terminus of the Kanawha Canal. Here grain was milled into flour and shipped via ocean going vessels to the nation and the world.

In 1858 the City of Richmond boasted a population of approximately 37,910 persons:

23,615	Caucasian Americans
11,699	African Americans in bondage
2,576	Free African Americans

This population gave the City muscle, a labor pool of skilled and unskilled labor to drive the fledgling industries growing along the riverbanks and to handle the goods shipping through. The City was also the northernmost gateway to the nation's southeastern railway system. All of these factors, commerce, industry, transportation, and population placed demands on and for services provided by the national government.

Overview

In 1855 the Secretary of the Treasury directed that plans be drawn for a new customs house and post office in Richmond, Virginia. The new structure was to be constructed of stone in an architectural style befitting the dignity of the young United States government, and was to contain space for the Post Office, the Custom House and a federal judge with a courtroom. The engineer in charge of the project for the Treasury Department, Captain A. H. Bowman of the U. S. Corps of Engineers, created a design for an Italianate style building of three stories and basement of approximately 22,000 gross square feet.ⁱⁱ

In 1853 property had been purchased in the center of the block bounded by Bank Street, Tenth Street, Main Street and Eleventh Street. The 140 feet by 160 feet lot was not occupied by any known major structures. Located on the western edge of the growing city of Richmond, the lot was close and convenient to the turning basin for the Kanawha Canal and the city's commercial district. The site was prominently located on the brow of capitol hill, below and sharing the major axis of Jefferson's Virginia state capitol building.

Construction started in late 1856 on the new Custom House building, as it came to be known, and was completed in 1858. The building was clad in locally quarried granite on load bearing brick masonry exterior walls; the internal structure was cast iron columns supporting floor plates formed of concrete and terra cotta block in flat jack arches. The roof structure was wood and cast iron. The original roofing material appears to have been metal on the drawings, although there is no clear indication of this and it is difficult to be sure from information provided by old photographs.

The first floor of the building was entered from the Main Street side and was dedicated to

space for the Post Office. A stairwell on each end of the building provided for vertical access to the three floors. Access to the basement of the building appears to have been from the outside of the building in the alley on the east side. The east side alley also provided a fenced "parking area" for horses and carriages. The Post Office space provided a large and spacious box lobby, a private entrance for ladies to the separate ladies' box lobby, an office for the postmaster and that most recent of innovations to be incorporated in public buildings, indoor water closets.

The second floor of the building was entered from the Bank Street side via steps leading up to a stone portico. The second floor housed space for the Customs Office,ⁱⁱⁱ the customs collector, an office for the district attorney and a room for convening a grand jury.

The third floor was home to the federal court. A large courtroom provided seating for up to eighty spectators and twenty jurors, with a dock and bar arranged in the fashion of traditional English courtrooms of the day. The third floor also contained offices for the Marshal, the Clerk of the Court and the Judge. A mezzanine was constructed on the Bank Street side above the third floor offices of the Clerk and the Judge. The mezzanine provided space for two petit juries and a room for holding witnesses.

Interior finishes throughout the building were in the customary materials of the day. Government construction at that time subscribed to the theory that public buildings were very much the realm of the public and should be fitted out to withstand that public. In keeping with that theory, floors were finished in old growth dense grain heart pine, walls were finished with plaster on masonry or wood lath. Plaster was often finished with a coat of white plaster and not painted, or they were sometimes painted with whitewash. In finer or more dignified spaces walls were also fitted out with wood wainscot of quarter sawn red oak in a tung oil finish. Doors, frames and casings were also fabricated of quarter sawn red oak. Stairs were fitted with cast iron railings, newels and balusters ornamented in a classical motif with acanthus leaves. Lighting was provided by gas lights.

Departing from local custom and the frugality of construction which was the order of the day for regional government buildings, the windows of the Custom House were fabricated of cast iron versus the more traditional and economical cypress wood. Surviving drawings indicate that the windows, including the sashes, were of cast iron with a complex profile. The windows were also equipped with full height and width cast iron raised panel shutters. Surviving drawings also indicate the shutters were located on the interior side of the windows and folded back into shutter boxes where they were concealed from view when open; however, the photographic record immediately after the evacuation fire suggests the window shutters were actually installed on the exterior of the windows. Ironically, it may have been this very feature which spared the Custom House from destruction in the fire which spread up the hill on the evening of 2 April 1865 during the evacuation of the city by Confederate forces.

The War Years: 1861 - 1865

In 1861 the Confederate government seized the Custom House and its contents for use as a government office building. It is a documented fact that the building was used to provide offices for President Jefferson Davis, the Confederate Treasury Department and the Confederate State Department. President Davis' offices were located on the third floor in the northwest corner on Bank Street in what had originally been the federal judge's office. The third floor courtroom was used by President Davis and his advisors to plan the course of the war, its walls covered with large

maps of the Confederacy and bordering Union states. Unfortunately, modifications and additions to the Custom House building in the years following the war have altered the building to a point where the former Confederate occupants would not recognize their old offices. Some of the furniture used by President Davis in his offices now resides in the collection of the Museum of the Confederacy in Richmond, Virginia.

On the night of 2 April, 1865 as the government evacuated the City, Confederate Army forces set fire to the warehouses and naval facilities in Shockoe Bottom and Rockett's landing. The fire quickly grew out of the control of the Army. Helpless, the city's occupants could only watch as the mob, wind and terrain combined to sweep the fire up capitol hill through the city's commercial district. By morning all that remained of over 900 structures were ashes and the skeletons of brick walls. But as fate would have it, the Custom House, by virtue of the materials used in its construction, survived the fire intact to await reoccupation by Federal forces. The Federal government wasted no time retaking possession of its former property, running the Union flag up the building's roof top flag pole almost as soon as they could run up the steps to the roof, shortly after which unidentified local citizens managed to drape the building's Bank Street portico in black mourning cloth.

Years of Growth: 1865 to 1912

The years following the end of the war were witness to unparalleled growth in the United States Government. This growth was especially apparent in the Judiciary, leading up to formal establishment of the United States Court of Appeals and the court circuits in the early twentieth century.

On 13 May 1867 habeas corpus hearings were held for Confederate president Jefferson Davis. President Davis was present at the hearings, presided over by District Judge John Underwood, as was former General Robert E. Lee who testified as a witness on Davis' behalf. The 1 June 1867 issue of Harper's Weekly bears a front page illustration of Davis being greeted by the "rebel citizens" as he leaves the courthouse and the hearings when he was released from captivity on bond.

In 1872 the Custom House was beginning to show signs of strain from hard use and the limitations of its cast iron internal structure. Plans were made and a construction contract awarded for alterations and additions to the building. Much of the existing building was disassembled; records and archaeological evidence indicate interior finishes were salvaged and reinstalled in the new structure.^{iv} The south wall of the building fronting on Main Street was disassembled and moved some thirty feet to the south property line where it was reconstructed. At the same time additions were added to each corner of the building. The interior stairwells were relocated, the third floor Judge's office was expanded and the courtroom where the Davis habeas corpus hearings were held was moved to the northeast corner of the building, rotated ninety degrees and enlarged. The third floor mezzanine was removed and the interior cast iron structure was replaced with new cast iron and load bearing masonry. Contrary to popular belief the building was not totally demolished and razed, although reconstruction was extensive. Most interior finishes of value were salvaged and reused in the work. New finishes to accommodate expanded spaces were fabricated to match existing. Overall, the floor plate of the building took on a "dumbbell" appearance. This construction appears to have been substantially completed in approximately 1880, although there is photographic evidence suggesting part of the work was not completed until mid or late 1886.

The late 1880's saw the planning of another expansion for the Custom House. Drawing records^v indicated the light wells on either side of the "dumbbell" were to be filled in and a five story tower was to be constructed at the southeast corner of the building. For reasons unknown but most likely economic these plans were never acted upon.

The first decade of the twentieth century was witness to an unprecedented expansion of the federal courts. Theodore Roosevelt's anti-trust policies and legislation filled the courts with cases, causing an enormous backlog. To meet the demands of caseload, the Court of Appeals was created, additional judges were appointed at the appellate and district court levels, and space was planned to house the expanded Judiciary. At the same time the United States Postal Service was expanding by leaps and bounds, largely as a result of patronage appointments and the implementation of home mail delivery in August of 1863. The Richmond Customs House was not immune to this growth.

On 28 August 1906 T. Crawford Redd & Brothers of Richmond made a survey of the Schaefer Building property located between the Custom House and Tenth Street.^{vi} The property was acquired and plans were made for another expansion of the Custom House, now more popularly referred to as the Post Office. James Knox Taylor, supervising architect of the Treasury Department, oversaw the preparation of plans for expansion by the Richmond architectural firm Lee, Vandervoort and Smith. The plans called for an entire new wing along tenth street and connecting to the existing building along main street plus the addition of a fourth floor to the existing building. Overall the new additions and renovations would increase the size of the original Custom House twelve fold.

Construction began in 1910 and continued almost through the end of 1913. The new additions were constructed by J. Henry Miller, Inc. Builders & Contractors of Baltimore, Maryland. At a time when downtown Richmond was growing at a phenomenal rate, the government did not help the urban situation by having mountains of masonry, steel and scaffolding stockpiled along the streets. The new work made many improvements to the building with the addition of true indoor plumbing, modern steel structure and electricity. The old system of gas piping for lights was abandoned in place. Many of those pipes remain in the building to this day, including the old light fixtures which were used as structural elements to create new ornamental plaster chandeliers. True to form however, the government held to the established finish system in the building, the only exception being the use of terrazzo floors in the new public corridors. It is thought that during this construction period the cast iron windows and shutters which had saved the building in 1865 were removed and replaced with windows of bronze and steel. The metal roofing system was replaced with terra cotta clay barrel tile in keeping with the Italianate style of the building. The new work added two new courtrooms, much needed office space and a greatly enhanced Greek Revival styled public lobby for the Post Office.

1922-1926: The Last Addition

The paint was hardly dry on the walls however before the Post Office and the Court decided that they needed additional space. On 20 May 1916 City Engineer Charles E. Bolling approved a plat plan, again prepared by T. Crawford Redd & Brothers,^{vii} to acquire the property between the original Customs House and Eleventh Street for another expansion of the Post Office. The property acquisition required the demolition of two buildings, the Stuart Building which fronted on Main Street and the Carneal Building which fronted on Bank Street. Both buildings

were owned by the Virginian Building Corporation. Plans were prepared by the architectural firm Lee, Poole, Vandervoort and Smith and in 1922 construction began on this latest addition.

As had all previous additions and alterations, the 1922 work maintained the original Italianate architectural style, matching existing exterior and interior details. The addition added another 100,000 square feet to the building, extending a massive four story facade along the entire length of the block on Main Street between Tenth and Eleventh Streets. The work added much needed office and work space, maintaining the system of interior finishes established by the 1855 design.

The addition of 1922-26 marked the last major addition to the building, but it did not mark the last of renovation work to the building. In 1933-36 the Postal Service designed and built the Parcel Post building on the west side of the block between Eleventh and Twelfth Streets.^{viii} A handsome structure of art deco style, the building was one of the many structures erected during the New Deal by the Works Progress Administration. Designed as a four story building, the structure was not completed before work was begun on an additional two stories. It was during this time that interior alterations were made in the Post Office building, most notable the first of several "modernizations" of the heating system. In 1952 another "modernization" by the Post Office took place, with mechanical systems being brutally installed in courtrooms and corridors. Courtrooms which were paneled in walnut and styled in Regency and Beaux Arts styles were insulted with huge, industrial grade air diffusers five and six feet in diameter. Return air grilles were cut into wood paneling with little regard for appearance of finish. Ornate plaster cornices in corridors were sledge hammered out of the way to make room for mechanical equipment which was in turn concealed by suspended acoustic tile ceilings. It was not pretty, but it was "modern".

In the late 1950's into the early 1960's a master plan was created for the state capitol complex by the Richmond architectural firm Ballou and Justice. This plan called for, among other things, the creation of a vast lawn which would sweep down the hill from the capitol steps to the edge of the James River, flanked on either side by a phalanx of modern state office buildings. Needless to say this plan would have required the demolition of many historic buildings, including the old Custom House and Post Office.

The building suffered further insult in 1962 when the Post Office demolished and concealed the Greek Revival interior of the Main Street public lobby. White marble wainscot was ripped down to be replaced by gypsum board and masonite. Ornate ceilings were removed or concealed above suspended acoustic tile in the name of energy conservation. A further renovation in 1973 remodeled the ceremonial courtroom on the second floor and renovated/restored the Bank Street lobby to resemble its original 1872 appearance.^{ix} However, this renovation also extensively added suspended acoustic tile ceilings and concealed original finishes, again in the name of modernization and energy efficiency.

Salvation and Rebirth

In 1986 the Postal Service, having grown weary of a building which was too small for its operations and not designed to handle postal truck traffic, decided to move their parcel post operations to a new facility on Brook Road. This move took place in the mid 1980's, and the Parcel Post building was transferred to the General Services Administration for use by the Courts.

In 1991 the Postal service moved their retail and letter handling operations out of the

Courthouse building and into the Brook Road facility. The United States Customs Service had long since moved out of the building, so for the first time in 133 years both buildings were occupied only by the United States Courts. On 9 September 1993 the Courthouse building was dedicated by President Clinton as the Lewis F. Powell, Jr. United States Courthouse in honor of retired Associate Justice Lewis F. Powell, Jr. of the United States Supreme Court.

The Courts undertook to create a master plan for renovation and historic preservation of the two buildings, with an eye towards re-establishing the original 1858 finish scheme. The first phase of this plan took place in 1996-99, with the restoration of part of the Greek Revival Main Street Lobby and office space on the fourth floor. A Historic American Building Survey report was completed, and both structures, the Courthouse and the Annex, were listed on the National Register of Historic Places.

In 2003 a project was undertaken to restore finishes in the fourth floor "Red"^x courtroom. Original architectural woodwork was cleaned and restored to its original finishes. Plaster samples were taken from the ornamental plaster ceiling and analyzed; the ceiling was then cleaned, repaired and repainted in its original color scheme. Other projects have undertaken to uncover and determine the condition of original finish materials, especially wood strip floors. In many cases these floors have been cleaned, repaired and restored. During a renovation project in 2004 a sample of the original heart pine flooring was sent to a professional forester for analysis. Conclusions reported back indicated the trees of origin were harvested in Virginia, probably from southside Virginia around 1900, and were approximately four hundred to five hundred years of age when harvested.

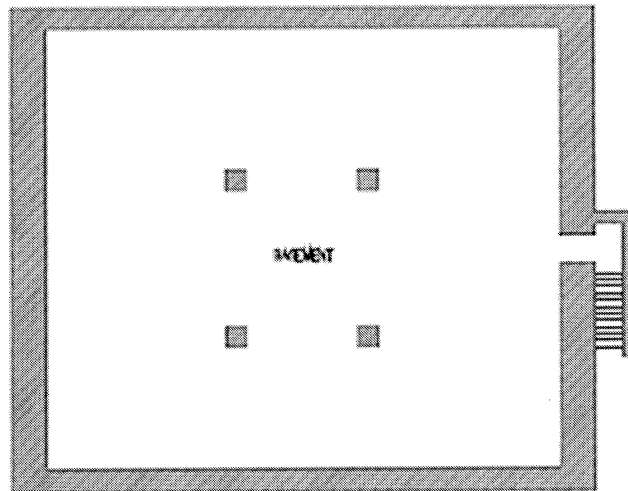
In October 2008 the United States District Court, Bankruptcy Court and Magistrates, along with the United States Probation Office and the United States Marshals Service relocated to a new courthouse constructed in the 700 block of East Broad Street in Richmond. This has left the Powell Courthouse as home to the United States Court of Appeals and its support functions.

Conclusion

Using the HABS Report as a guide, the Court is patiently working towards restoration of the Powell Courthouse as a working historic structure. As the second oldest continually operating courthouse in the GSA inventory of public structures, the Powell Courthouse and Annex continue to be functioning, living buildings, serving the American people in support of the United States Court of Appeals, the Fourth Circuit Executive's Office, the Fourth Circuit Clerk's Offices and the Fourth Circuit Library.

As funding permits, spaces are restored, renovated, and returned to continuity with its past. The work uncovers bits and pieces of the old building, some obvious in their being and some inexplicable. With time and care the Courthouse will remain a treasury of American architectural styles as well as an important cultural artifact for the City of Richmond and the Nation.

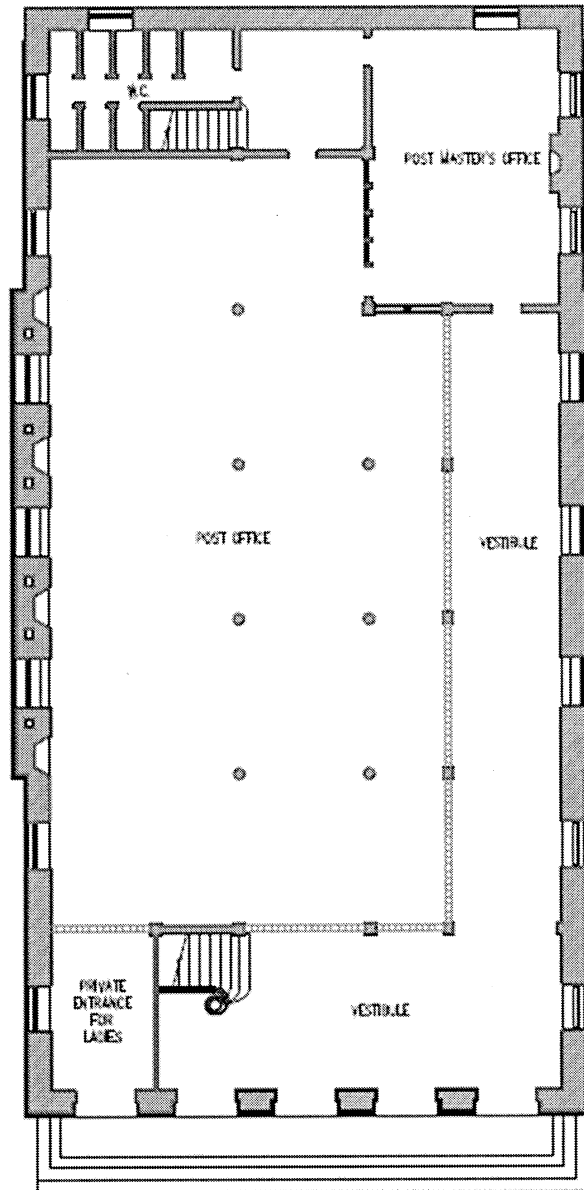
MAIN STREET SIDE



MAIN STREET SIDE

BASEMENT FLOOR - 1858
AS DEPICTED ON MAP NO.
2042 1/4" = 1'-0"

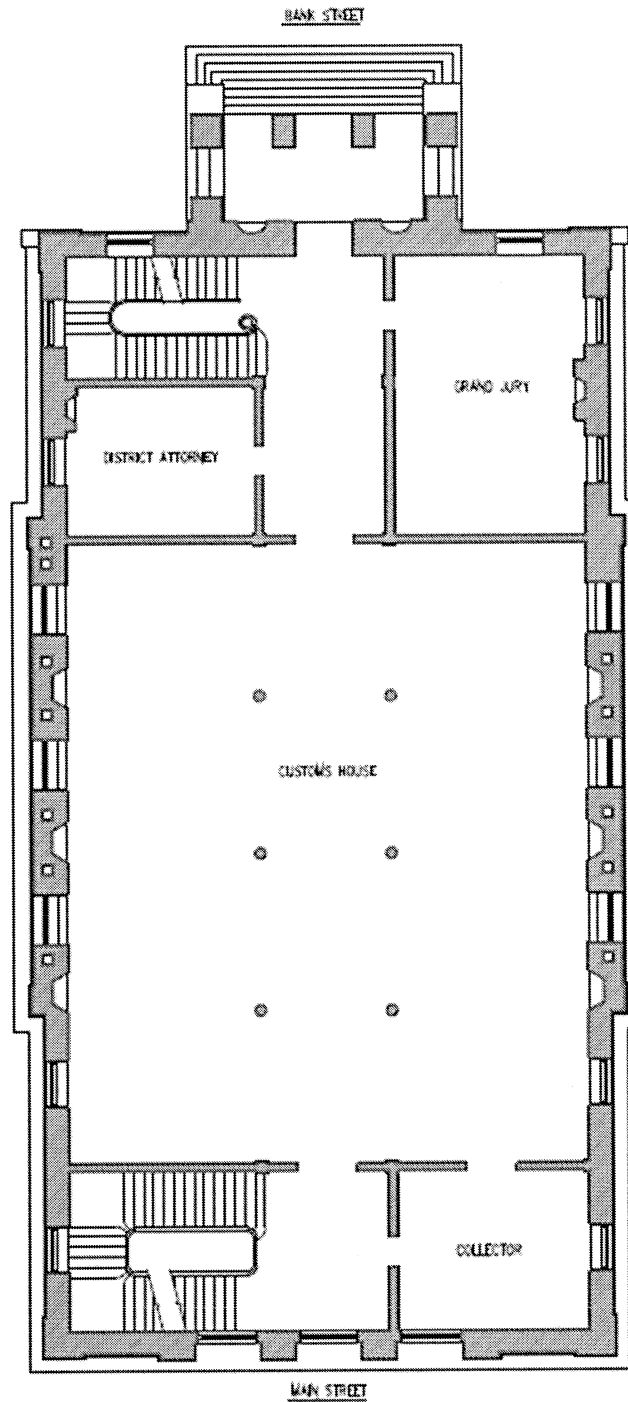
BANK STREET SIDE



MAIN STREET SIDE

FIRST FLOOR - 1858

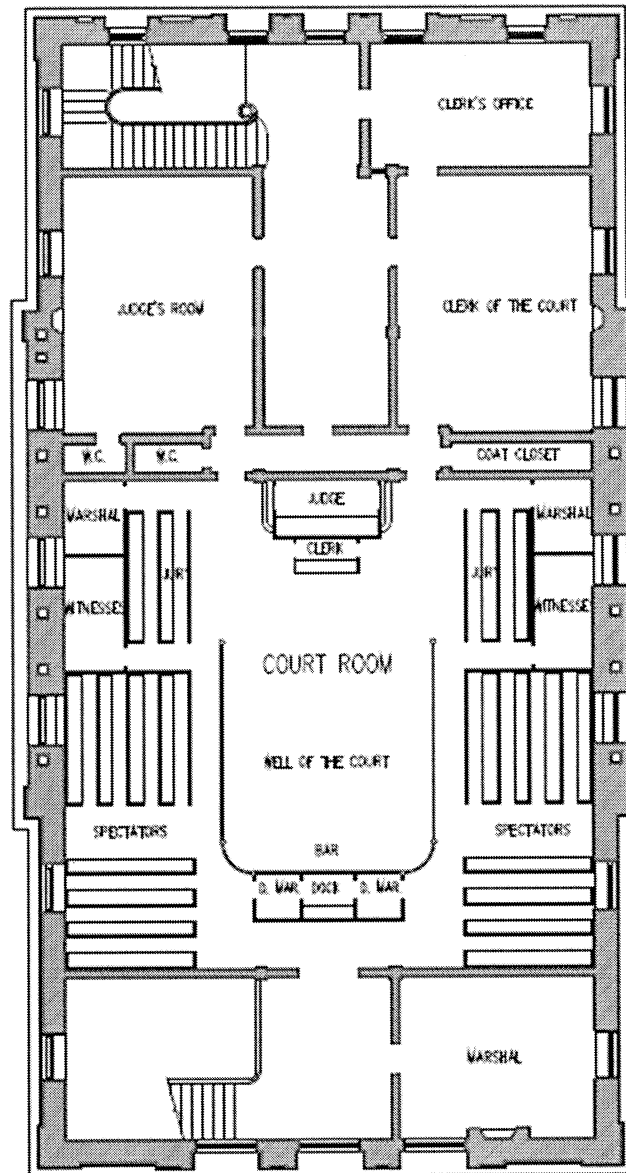
AS ORIGINALLY CONSTRUCTED
SCALE: 1/4" = 1'-0"



SECOND STORY - 1858

AS ORIGINALLY CONSTRUCTED
SCALE: 1/4" = 1'-0"

BANK STREET SIDE



MAIN STREET SIDE

THIRD STORY - 1858

AS ORIGINALLY CONSTRUCTED
SCALE: 1/4" = 1'-0"

Acknowledgments and Notes

- i. Davis, William C., *An Honorable Defeat: The Last Days of the Confederate Government*, Harcourt Publishers, New York, New York, 2001.
- ii. Architectural drawings, *Richmond Virginia - Custom House, Post Office And Court Room - Plans of Public Buildings In Course of Construction Under the Direction of the Secretary of the Treasury Including the Specifications Thereof*, Washington, DC., 1855, J.H. Bradford & Co., Lithographers, Boston, Massachusetts.
- iii. Ibid (2); on the drawings, Drawing No. 2, the Collector is referred to as “Customs Collector, while the building is referred to as the “Custom” building.
- iv. Architectural drawings, *U. S. C. H. & P. O. Richmond, Virginia*, United States Treasury Department, Washington, DC., hand annotations made to drawing indicating salvaged building elements to be reused in the new construction. Annotations dated 25 June 1873, signed by W.R. Pope.
- v. Architectural drawings, *U. S. C. H. & P. O. Richmond Virginia*, United States Treasury Department, Washington, DC., 17 August 1888, M. E. Roth, Supervising Architect.
- vi. Architectural drawings, *Survey of the Shafer Building*; T. Crawford Redd & Bros. Surveyors and Civil Engineers, 28 August 1906.
- vii. Architectural drawings, Plat of Lot on N. W. Corner of Main & 11th Sts. To be Acquired for Addition to P. O. Building, T. Crawford Redd & Bros. Surveyors and Civil Engineers, 1 May 1916.
- viii. Architectural drawings, *U.S. Parcel Post Building, Richmond, Virginia*, Marcellus E. Wright & Lee, Smith & Vandervoort Associate Architects, 1 October 1934, U.S. Treasury Department, Rear Admiral C.J. Peoples, Supervising.
- ix. Architectural drawings, *U.S. Post Office & Court House (Renovations)*, Williams and Tazewell & Associates Architects, Norfolk, Virginia, Project Number 450063, 22 February 1973.
- x. Courtrooms are currently referred to by color designations originated from the colors of the carpets on the floors.